VOORHEES TOWNSHIP PLANNING BOARD MINUTES APRIL 10, 2019\_

The Chairman called the meeting to order and stated it was being held in compliance with the “Open Public Meetings Act” and had been duly noticed and published as required by law.

ROLL CALL

Present: Mr. Fanelli, Ms. Stroemel, Mr. Rashatwar, Mr. DiNatale, Mr. Nicini, Mr. Vandegrift, Mrs. Sytnik,

 Mr. Schallenhammer

Absent: Mr. Ravitz, Mr. Kleiman, Mr. Brzozowski

Also present was Mr. Alen Arnautovic, Board Solicitor and Mr. Rakesh Darji, Board Engineer

MEMORIALIZATION OF RESOLUTIONS

Evergreen Energy Solutions

Waiver of Site Plan

Block 161; Lot 13

PC# 19-002

Motion to memorialize resolution was made by Mr. Nicini; seconded by Ms. Stroemel. Motion carries by assenting voice vote of all present board members.

John & Allison Bryant

Minor Subdivision

Block 206.13; Lot 27

PC# 19-003

Motion to memorialize resolution was made by Ms. Stroemel; seconded by Mr. Rashatwar. Motion carries by assenting voice vote of all present board members.

H.C. Klover Architect

Preliminary & Final Major Site Plan

Block 150.18; Lot 7.15

PC# 18-0015

Motion to memorialize resolution was made by Mr. Rashatwar; seconded by Mrs. Sytnik. Motion carries by assenting voice vote of all present board members.

APPROVAL OF MINUTES

Mrs. Sytnik makes a motion to approve the minutes dated February 13, 2019; seconded by Mr. Nicini. Motion carries by the assenting voice vote of all present board members with the exception of Mr. Rashatwar, Mr. DiNatale, Mr. Ravitz and Mr. Kleiman who abstained.

NEW BUSINESS

DISCUSSION OF “Play Area at Connolly Park”

The board discusses the proposed “all inclusive” special needs play area known as “Jakes Place”. The board supports the project and authorizes a letter of support be forwarded to the Mayor and Township Committee.

LIDL US OPERATIONS, LLC

MINOR SUBDIVISION

PRELIMINARY & FINAL SITE PLAN

PC# 17-017

Appearing before the board is Mr. Damien DelDuca, attorney; Mr. Ben Crowder, engineer; Mr. Myles Sword, Real Estate Manager for LIDL, Mr. Stephen Fortwangler, architect, Mr. John Harter, traffic engineer; Mr. Creigh Rahenkamp, planner.

Mr. DelDuca gives an overview of the application. He states the property is located at 73 Route 73 located at the corner of Route 73 southbound and Lafayette Avenue. Mr. DelDuca introduces Exhibit A1 which is a colorized aerial of the site which shows the existing conditions of the site. He states the Palazzo Plaza which was 77,000 square feet was previously located at the site. He states the property is located in the Major Business Zone. Mr. DelDuca presents exhibit A2 which is the Site Plan dated March 26, 2019 prepared by Bohler Engineering he explains that what the board currently sees is lot 4 and that the applicant is seeking to subdivide the lot into two lots; lot 4.01 which will be the LIDL lot and is approximately just under 3 acres and that the balance of the site which is just over 12 acres will be lot 4.02.

Mr. DelDuca states that on lot 4.01 the applicant is proposing to construct a LIDL supermarket which will be 25,656 square feet. The remainder lot 4.02 will be developed in the future. He states that LIDL is the contract purchaser of the lot. He states the applicant is seeking to subdivide the lot and is also seeking Preliminary and Final Site Plan approval for the supermarket.

Mr. DelDuca gives a brief description of the LIDL. He states it is a German company and one of the largest retailers in the world with over 10, 000 stores in over 27 countries. They are relatively new to the US and are expanding with stores up and down the east coast. He also states the use is a permitted use and that the applicant requires variances and waivers.

 Mr. DelDuca states that the applicant will not require a bulk variance for the impervious/pervious coverage because the applicant will satisfy the buy down. There are 8 additional variances four of which are related to signage and are relatively minor. The remaining four are related to setbacks and buffers and are a direct result of the subdivision lot.

Mr. DelDuca states that lots 5 and 4.02 will have interconnectivity and easements between them so people can access the lots. The improvements on lots 4.01 and 4.02 will be developed cohesively together and that the lot line will not have a negative impact on the property.

Mr. DelDuca states that the applicant has reduced the size of the store by 10,000 square feet from when it was originally submitted. He states the applicant has addressed with Churchill Engineer’s review letter dated April 2, 2019 related to sanitary sewer. He states that exhibit A3 will be presented which indicates the proposed signage and exhibit A4 which is a color rendering of the proposed buildings elevations both dated April 10, 2019.

Mr. Ben Crowder the applicant’s engineer states the property is approximately 15 acres and has frontage on southbound Route 73 which is under the DOT’s jurisdiction. There are 2 southbound lanes on route 73 separated by a grass median and then 2 northbound lanes along the sites frontage. He states that access to the prior development was from a right in - right out on the northern portion of the frontage. He testifies that to the south of the site there is frontage along Lafayette Avenue which is under the jurisdiction of Camden County and have received conditional approval from them for the associated improvements and driveways on Lafayette. He states the current condition of the intersection onto Route 73 is full movement, un-signalized drive and is very unsafe. Mr. Crowder testifies that to the west of the site there is residential uses and extensive wetlands. He states that to the north is Cooper Plaza which is retail use.

Mr. Crowder testifies that the site has prior footings and foundation from the prior use as well as asphalt pavement and perimeter curbing. He confirms there is a 120 foot wide PSE&G easement located in the northerly portion of Lot 4.02 and will not be impacted by the LIDL application. He states the west of the site remains predominately undeveloped occupied by woodlands and a small pocket of wetlands. He further states that from a stormwater management perspective centered on the development is an aboveground detention basin which handled the prior use of the property will be reconfigured and that it also handles a portion of the Route 73 roadway drainage and that a new basin would be constructed on the proposed lot 4.02 to accommodate runoff from the improvement proposed on Lot 4.01. In regards to the wetlands Mr. Crowder testifies that the applicant has received an LOI and that the LIDL development will have no impact on the wetlands or it’s associated 50 foot transition area or it’s buffer.

Mr. Crowder testifies that the existing tract is 15 acres and that LIDL is looking to subdivide approximately 2.29 acres for a contract purchase of the southeastern corner of the tract. In regards to the design waivers it relates to the placement of the 25,656 square foot LIDL grocery store. In order to provide the required 129 parking spaces as required by ordinance the store was setback further from Route 73 and it’s also a corner lot. He further testifies that the variances and waivers for setbacks are due to the internal subdivision line.

 Mr. Crowder testifies that that the interconnection between lots4.01, 4.02 and the retail site to the north of the subject property will be provided by the way of the lot 4.02 access drive. Mr. Crowder states that as a condition of the County approval there will be no delivery trucks on Lafayette Avenue and that the delivery trucks will access the store from the Route 73 driveway only from an ingress and egress perspective. He states the applicant is expecting one delivery per day with a maximum of two and informs the board of the truck route. He states the truck will be heading southbound on route 73 and enter the site and make a left hand turn and head south down the drive isle, make a right hand turn and proceed west, pull forward then reverse into the single bay loading dock. He testifies that the applicant is requesting a design waiver of having two loading docks because the one satisfies LIDL’s loading operational capabilities that they need but also given the low frequency of deliveries per day one loading dock is sufficient. Mr. Crowder also testifies that deliveries occur during off hours.

With regard to the access on Lafayette Avenue Mr. Crowder testifies the applicant is proposing two full movement driveways. One that aligns with the front drive isle of the LIDL grocery store and another towards the rear that will continue to extend towards the north that will provide interconnection between the sites. The design of the truck route is to navigate it back to Route 73.

With regard to trash and trash pickup, Mr. Crowder testifies that adjacent to the loading bay is a small trash enclosure. He states the majority of the materials in the LIDL store are recyclable and put back on the tractor trailer and sent to the site for recycling. There is limited spoil waste and is produced by their in house bakery. He testifies the applicant is seeking a design waiver as it relates to the materials of the gates, the township’s ordinance requires a solid welded steel, the gates of the LIDL trash enclosure are a steel mesh along a steel reinforced gate double swing. The remaining three walls of the enclosure are block with a stone cap and brick veneer. The applicant agrees to restrict garbage pickup to the route 73 access point as well.

Mr. Crowder testifies that the existing above ground detention basin will be modified to accommodate the development of the LIDL from Route 73. As it relates to LIDL’s stormwater management the application is considered a major development per DEP and Township Stormwater Regulations Mr. Crowder states the applicant is proposing an above ground infiltration and detention facility located at the southwest corner of the site to handle the LIDL development and the basin is slightly oversized to handle future build out.

With regards to lighting on the site, Mr. Crowder testifies that the applicant proposes LED parking lot area lights. Along the Route 73 frontage particularly the first 50 feet the applicant will meet the design standards. Along that area and the asphalt walk the applicant is proposing decorative pedestrian post top lights at 12 feet. Mr. Crowder parking lot lights will be 20 feet high which is very similar to the existing lights that will be removed but exceed the 16 foot maximum allowed and are requesting a waiver from. He states the applicant prepared a fully compliant lighting plan. There is also an additional waiver they are requesting in regards to the maximum foot candle value and parking and walkways where the ordinance requires a maximum of .9 foot candles where they are proposing .6 light level and that level is occurring predominately under parking lot area lights.

Mr. Crowder states that in regards to landscaping the applicant is proposing over 1200 new plantings on the development and that they did prepare a landscaping design that was compliant with the Township’s landscaping standards. He states the applicant has added additional amenities along the street scape portion of Route 73 LIDL is proposing to replace the asphalt walk in kind and further supplementing it with additional street, ornamental trees and low lying flower beds. They will also provide pedestrian linkage to the entrance of the LIDL store. The crosswalks will be a decorative stamped asphalt and also proposing new sidewalks along the frontage of Lafayette Avenue.

Mr. Crowder states that on the northern side of the building adjacent to the main entrance is the primary exterior shopping cart storage for the grocery store but that have proposed one cart coral on the eastern parking field and feel this is sufficient.

Mr. Crowder testifies that the applicant is proposing at the major intersection of Route 73 and Lafayette Avenue a freestanding sign. The sign would be 20 feet high, 94.97 square feet with a setback 10 feet. The code allows for 75 square feet but they believe but they believe the additional sign area is advantageous for drivers’ sight lines. With regard to the building mounted sign package the applicant is proposing on the northern façade of the building above the corner entry vestibule a single 67.29 square foot LIDL logo sign. On the eastern façade they are proposing two signs the LIDL logo sign 67.29 square feet and their “Rethink Grocery” sign 98.29 square feet the total area exceeds the 150 square foot requirement.

With regard to the placement of the signs on the building the Township has an ordinance criteria that does not allow the sign to extend below the lowest point of the roof line. The roof of the building is slopped and due to that the sign extends 4 feet above the roof line.

With regard to the tree compensation Mr. Darji states that due to the restrictions PSE&G has with what is planted on their easement the board would seek a monetary compensation in addition to what can be replanted on site. Mr. Crowder states it is roughly about 300 trees. Mr. Darji states the cost per tree is $200.00.

Ms. Stroemel states her concerns regarding the curve on Lafayette Avenue as you approach the driveway to the LIDL store.

Mr. Myles Sword the applicant’s real estate manager provides testimony regarding LIDL’s operations.

He states LIDL is the fourth largest retailer in the world with over 10,000 stores. He states the store provides the quality of Trader Joe’s with price points comparable to ALDI & Walmart. They sell predominately grocery items with a few soft line items as well. He states the proposed building is the typical New Jersey model. The hours of operations are from 8:00 AM to 10:00 PM seven days a week with traditional holiday closings. Mr. Sword testifies that the location will employ 35 to 45 employees with six employees present at any given times at the store. All employees are cross trained. Mr. Sword testifies that there will typically 1-2 deliveries per day during off hours and that they will coordinate with drivers regarding which entrance and exit to use. He states that two trash pickups are typically needed per week and will take place off hours. Mr. Sword also states that the sign package proposed for the eastern façade to distinguish LIDL from other brands.

Mr. Stephen Fortwangler the applicant’s architect testifies in support of the application. He describes the façade of the building stating the southern façade consist primarily of white gray split face at the bottom. The western façade consist of EIFS with gray split face at the bottom. The northern façade will be mostly white with a gray bottom and red brick façade near the entrance. Concerning the primary façade facing east on Route 73 he testifies that it does not comply with the required change in features, material, color and texture for every 40 feet. He states the eastern elevation does provide various changes in the form of multiple colors and textures to offset the glass façade. Mr. Fortwangler states that the stucco material proposed for the rear and side facades wraps around the building to tie the entire design together. The board members are given samples of the building materials to be used.

 He further states that the applicant cannot comply with a different setback for 1/3 of the building without altering the interior layout of the store. In regards to the limited fenestration on Lafayette Avenue he testifies that the high windows positioned 11 feet above the ground are needed to allow for natural light in the freezer section and that the majority of traffic directed towards the proposed building will only see the glass front of the eastern façade. It is also stated that there are bollards in front of the parking spaces in front of the windows.

Mr. John Harter the applicant’s traffic engineer testifies on behalf of the application. Mr. Harter informs the board that at the time of the original submission the applicant proposed installing a traffic light at the intersection of Lafayette and Route 73 due but New Jersey Department of Transportation was not in favor of it due to the concerns with congestion on Route 73 and it’s proximity to the traffic signal at Cooper Road. He testifies the applicant is not proposing a traffic light at the intersection. He states the DOT wanted the left turn to Lafayette from Route 73 to be physically restricted and that the turn lane be extended 300 feet to address motor vehicle stacking and to improve the safety at that intersection which includes a raised island. The applicant proposes a right in right out driveway on Route 73 and is willing to shift it to the south to address some concerns. Mr. Darji recommends that the applicant shifts the driveway further south if possible. Mr. Harter further testifies that the corner clearance on Lafayette Avenue is well designed and is also a benefit to the existing Wendy’s restaurant.

Mr. Harter testifies that the trip generation is anticipated to be typical of a discount supermarket with a 120 vehicles per hour at peak hours during weekdays and 150 vehicles per hour at peak hours on Saturdays. He states that the proposed LIDL will have no adverse impact on traffic. The applicant also completed a 2 year build out study. Mr. Harter also testifies the applicant is proposing two driveways onto Lafayette Avenue and testifies that due to the traffic being so light that a designated left turn lane is not required as mentioned in Mr. Darji’s review letter. He states he conducted a left hand turn warrant study. Ms. Stroemel and Mr. Vandegrift express concerns regarding the bend on Lafayette and the potential drivers not being seen making a left into the driveway into the LIDL. Mr. Harter states that the stopping sight distance is adequate.

It is recommended that the applicant eliminate the left turn in at the driveway further down Lafayette.

Mr. Harter testifies that on site circulation is safe, efficient, and satisfies all traffic engineering standards.

Mr. Schallenhammer has concerns regarding the road located at the rear of the site.

Mr. Rahenkamp the applicant’s planner testifies on behalf of the applicant. He state the applicant’s request for a variance to permit the façade sign to be 4.63 feet above the lowest roof line and considering the sign is flush mounted and the roof is sloped it therefore satisfies the intent of the ordinance. With regards to the two proposed façade signs he explains that the ordinance only allows two façade signs when you they are facing two streets. One of the signs will be directly over the door facing Route 73. The other proposed sign faces internal to the site and not towards Lafayette Avenue. They feel this will work due to the flow of traffic internally. He also states the signs work well with the architectural style of the building. Mr. Rahenkamp testifies that the proposed 99.67 square foot free standing signs if located in an appropriate location and is necessary to catch the attention of drivers traveling on Route 73 and confirmed that the applicant will convert the sign to a masonry base and it improves its aesthetic design.

Mr. Rahenkamp testifies that the buffering and setback variances are created strictly by the internal lot lines of the minor subdivision and that the buffering impacts will have no public detriment. He states the applicant will not need to seek a variance for impervious coverage. Mr. Rahenkamp further testifies that the setback to the building on Route 73 is proposed because a phased setback would leave inadequate room for parking near the entrance and require the approach to the store to be shifted to the back of the property. He also testifies that the proposed parking stalls along the northerly property line do not have screening due to the subdivision. He also testifies that that the construction materials of the trash enclosures will meet the screening requirements of the ordinance. Mr. Rahenkamp states that the benefits substantially outweigh any negative impact and that it is an efficient use of land and that the nature of the variances are technical and minor and do not impair the zoning or master plan.

The application was opened to the public.

Mr. Jeffrey Baron, Esquire states he is appearing on behalf of Michael Cianfari who resides at 1129 Gibbsboro Road, Voorhees New Jersey. Mr. Baron raised concerns about the Planning Board’s jurisdiction over the application. He states that jurisdiction lies with the Zoning Board because the basins on the proposed Lot 4.02 constituted more than one principal use on the subject property therefore the drainage basin is not a permitted use and should not be constructed on Lot 4.02 without obtaining a use variance from the Zoning Board. He states that you cannot have a drainage basin on a separate lot as a principal use the ordinance does not allow it. Mr. Baron also states that the variances that are being requested have been said to be “internal” variances and there is no such thing as an “internal” variance.

Mr. DelDuca responds that the jurisdictional issue was brought up at the initial submission and presents exhibit A9 which is an email from Mrs. CherlLynn Walters dated October 10, 2018 which states the following “ Damien, I think we are good on the basin issue. I talked to the zoning officer, she had a good point- the Township (many townships for that matter) has always approved basins on independent lots as part of a major subdivision approvals without requiring a use variance for it. Thus, the Township has never treated a basin as a primary or accessory use or structure, but instead a design element. Based on that interpretation history, the application does not require a use variance and can be scheduled to go before the Planning Board.“ Mr. DelDuca states he was not aware Mr. Baron was going to raise this issue this evening. He also states that a basin is a utility and should be viewed as an equivalent that of a water and gas utility service which does not require a use variance.

Mr. Baron states that the email is not an official memo and wants a proper legal interpretation of the basin issue and that it does not meet the Township Ordinance and is not a permitted use.

Mr. Arnautovic advises the Board regarding the jurisdictional issue. He states that the tract or parcel in question which includes Lots 4.01 and 4.02 should be viewed in the aggregate as it pertains to the application. He also states that in the applicant’s paperwork nowhere is it stated that the primary purpose of the application is to construct the detention basin as a primary use on Lot 4.01 and that the lots should not be compartmentalized or segregated. Mr. Arnautovic states that the detention basin is just part of the application and will service the proposed LIDL Supermarket.

The Board members unanimously agree that the applicant did not require a use variance and that jurisdiction stays with the Planning Board.

John Anderson

63 Lafayette Avenue

Voorhees, NJ

Mr. Anderson is concerned with the impact this project will have on the value of his home and drainage issues.

Maria Moreira

254 Lafayette Avenue

Voorhees, NJ

Ms. Moriera states she is speaking on behalf of the owner of 56 Lafayette Avenue. She states the owner is concerned with the impact on property values and the volume of traffic.

Mr. Nicini makes a motion to close public portion; seconded by Mr. Rashatwar. Motion carries by the assenting voice vote of all present board members.

Mr. Fanelli makes an announcement that the LIDL application will be carried to the May 8, 2019 meeting and no further public notice will be given.

Mr. Fanelli adjourns the meeting.

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 Wendy Flite

Planning Board Secretary

Voorhees Township

Minutes prepared by Wendy Flite. The minutes are intended to reflect the basic comments and action. Verbatim transcripts of all electronic recordings can be available upon proper request and payment.